

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**ERIE COUNTY ENVIRONMENTAL  
COALITION, PENNENVIRONMENT,  
INC. and THE GAIA DEFENSE LEAGUE,  
Plaintiffs**

**v.**

**ERIE**

**MILLCREEK TOWNSHIP SEWER  
AUTHORITY AND MILLCREEK  
TOWNSHIP,  
Defendants**

**CIVIL ACTION NO. 05-59**

**PROPOSED ORDER GRANTING PLAINTIFFS'  
MOTION FOR SUMMARY JUDGMENT**

Having considered Plaintiffs' Motion for Summary Judgment and Defendant's response thereto, and having found no genuine issue of material fact that precludes entry of the requested judgment, IT IS HEREBY ordered, declared, and adjudged that:

1. Millcreek is in violation of the Clean Water Act ("CWA") for intermittently and/or continuously discharging pollutants into Walnut Creek illegally;
2. Millcreek is ordered to pay civil penalties in the amount of \$ 435,000 for 29 violations that occurred between August 2000 and the filing of this lawsuit;
3. Millcreek is ordered to cease all discharges into Walnut Creek and eliminate the bypasses from the pumping stations within 6 months from this order, and no later than 30 days from this order, Millcreek must institute the nine minimum controls as outlined in the Environmental

Protection Agency's *Combined Sewer Overflow Control Policy* at all of the relevant overflows until such time as the bypasses are eliminated;

4. Millcreek is also ordered to pay \$150,000 for a Supplemental Environmental Project to be mutually agreed upon by parties within 90 days of the order and that will improve the water quality of Walnut Creek. The SEP monies cannot be used to fulfill any other requirements under this order;
5. Millcreek is ordered to monitor the overflows through electronic gauges and provide plaintiffs with monthly reports;
6. Millcreek is ordered to reimburse plaintiffs for the cost of litigation, including reasonable attorney's fees.

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United States District Judge